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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,457	11/20/2001	Goran Pehrsson	45051-00021	8664

7590 08/13/2004

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EXAMINER

TIEU, BINH KIEN

ART UNIT PAPER NUMBER

2643

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,457

Applicant(s)

PEHRSSON, GORAN

Examiner

BINH K. TIEU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-18, 21-23 is/are rejected.
- 7) ☒ Claim(s) 7-9, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/20/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Regarding claims 2, 16, and 22, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Iwami (U.S. Pat. #: 5,546,458 as cited by Applicant in the IDS filed 11/20/01).

Regarding claim 21, Iwami teaches a method of conference calls in a portable communication device (i.e., *a method of operating a handsfree adapter for collecting speech signals from multiple people and providing such signals to a wireless telephone set in a conference call*), wherein first and second and second electronic signals are received from recording devices operatively connected to said portable communication device (i.e., *speech signals are received from microphones as shown*

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*in figures 1 and 2) comprising the steps of receiving said first and second electronic signals simultaneously even if the signals are different, and generating a sum signal of said first and second electronic signals for transmission to a transmitter/receiver of said portable communication device (i.e., **speech signals are received at terminals 32a-32b and combined by amplifier 36 to generate a output signal at terminal 32c, for transmission to (transceiver of) wireless telephone set**; col.3, line 49 – col.4, line 18).*

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, 10-13, 15-18 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diethorn (U.S. Pat. #: 6,321,080) in view of Iwami (U.S. Pat. #: 5,546,458).

Regarding claims 1 and 15, Diethorn teaches a conference portable telephone such as cordless telephone as shown in figure 1 utilizing base and handset transducers wherein both handset and base of the phone ordinary are in the same room. The handset can be freely positioned relative to the base to a desired location in the room so that each person in a room can speak during a conference call (col.3, line 39 – col.4, line 29). Diethorn further teaches that the telephone comprises two or more microphone/speaker pairs of 20/32, 30/22, and 30/26 as shown in figures 1 and 3.

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Diethorn further teaches that the telephone also comprises the selection circuit 160 (see figure 7) to make a transducer selection on the basis of one or more criteria, e.g., distance, etc (col.7, lines 5-22). Therefore, there are two different encoder paths associated with the active microphones are included in the phone defined by two or more microphone/speaker pairs of 20/32, 30/22, and 30/26. Furthermore, the telephone is also configured to receive different signals from each person in the same room (col.7, lines 22-55).

It should noticed that Diethorn fails to clearly teach that the telephone is adapted to receive both first and second electronic signals simultaneously even if the signals are different. In the other words, when each one of the persons in the room speaks, he or she presses, in turns, the conference button on either handset or base before speaks in order to switch active microphone/speaker pair. The telephone does not allow both persons in the same room to speak simultaneously. However, Iwami teaches a handsfree communication apparatus comprising at least two amplifiers operating as two encoder paths coupled to at least two microphones, and a third amplifier operating as summator for combining the output signals of respective microphones which each generates speech components of respective persons having difference in speech level with one another. The combined signal is transmitted to a wireless telephone set terminal for a purpose of providing multi-people to be communicated in a conference call (col.3, line 49 – col.4, line 18).

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the use of the features of the telephone is

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adapted to receive both first and second electronic signals simultaneously even if the signals are different, and generating a combined signal, as taught by Iwami, into view of Diethorn in order to provide conference call to at least two people at the portable communication device.

Regarding claims 2, 16, and 22-23, Iwami teaches the collected speech signals are provided to the wireless telephone set in order to transmit to a far end party. It should be understood that, in turn, the wireless telephone set also receives speech signals from the other far end party or other signals such as sidetone signals from a central office, and provides them to the respective earphones used at the people via the handsfree adapter. Diethorn further teaches such features in col.4, lines 54-65

Regarding claim 3, Diethorn further teaches control unit 140 or 150 in figure 7 operable as digital signal processor for processing speech signals.

Regarding claims 4 and 17, Diethorn further teaches the radio receiver 144 in figure 7 operable as A/D converter to convert or to reproduce the received speech signals to acoustic signals and to provide to user through speaker 22.

Regarding claims 5-6 and 18, Iwami further teaches the amplifier section 45 as part of digital signal processor such as control section 16 in figure 3 comprising amplifier 36 as shown in figure 2 or amplifier 52 as shown in figure 4 operable as said summator to combine the speech signals (col.4, lines 13-18 and col.4, line 61 – col.5, line 5).

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Regarding claims 10-13, Diethorn further teaches the two speakers and microphone mounted on a handset and the loudspeaker and microphone mounted on the base are adapted for RF wireless connections (see figures 1, 3 and 7).

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Diethorn (U.S. Pat. #: 6,321,080) in view of Iwami (U.S. Pat. #: 5,546,458) as applied to claim 1 above, and further in view of Protor (U.S. Pat. #: 6,078,809).

Regarding claim 14, Diethorn and Iwami, in combination, teaches all subject matters as claimed above, except for the portable communication device is a mobile telephone apparatus. However, Protor teaches a method and apparatus for performing a multi-party communication or conference call in a communication system. In the Protor's apparatus, there are plurality of portable communication terminals such as mobile units 201-202 and third communication unit 239. Protor further teaches that each of mobile units 201-202 (see figures 2, 3, 5, 7, 8) comprises two decoders, one encoder and a summator adapted for processing electronic signals.

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the use mobile telephone apparatus in place of cordless phone or handsfree adapter, as taught by Protor, in order to conference call service with two or more people in conference call with use of a single subscribed mobile phone.

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Allowable Subject Matter

8. Claims 7-9, 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (703) 305-3963 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (703) 305-4708 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

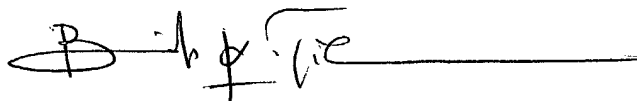
Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist, tel. No. 703-305-4700).

A handwritten signature in black ink, appearing to read 'Binh Tieu', followed by a long horizontal line.

BINH TIEU
PRIMARY EXAMINER
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Date: August 06, 2004